



07/672956  
DS  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/612,956	11/12/90	LUND	A 90.380

EXAMINER

HARRELL, R

ART UNIT

PAPER NUMBER 8

2315

DATE MAILED: 01/28/93

LITMAN, MCMAHON AND BROWN  
1600 ONE KANSAS CITY PLACE  
1200 MAIN STREET  
KANSAS CITY, MO 64105

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 11/13/92 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire -3- month(s), -0- days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned: 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                   |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.  | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-20 are pending in the application.

Of the above, claims are withdrawn from consideration.

2. ☐ Claims have been cancelled.

3. ☐ Claims are allowed.

4. ☒ Claims 1-20 are rejected.

5. ☐ Claims are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. ; filed on

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☒ Other -See attached.

Serial Number: 612956  
Art Unit : 2315

15. Claims 1-20 remain for examination.
16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
17. Claims 1-20 are rejected under 35 U.S.C. 103 as being unpatentable over Paulsen et al. (4,571,456) in view of Smith (4,928,094).
18. Applicant's arguments filed 11/13/92 (paper #5) with respect to claims as rejected under 35 U.S.C. 103 have been fully considered, but they are deemed to be not persuasive.
19. The obviousness grounds for rejecting the claims as presented in paper #3 (mailed 8/10/92 (examiner's first action)) continue and are hereby incorporated in this rejection by reference.
20. The applicant argued in substance that:
  - a) Smith's display panel does not include an overlaid membrane switch array as the applicant claims. However, such could have been implemented per col. 2 (line 24-et seq.);
  - b) there is no connector as shown for the cable in Paulsen. However, see figure 1 (61);
  - c) there is no disclosure or suggestion in Paulsen that the display frame itself (which is comparable to the applicant's claimed closure panel) is intended to be removable from the base housing by the user by separation of the hinge, much less reversed and reconnected, as called for in the claims. However, the display frame was obviously removable per figure 22. It was obviously at the selection of the user to dismantle the display frame;
  - d) neither Paulsen nor Smith suggests the combination with the

Serial Number: 612956  
Art Unit : 2315

other. However, examiner gave a reason for combining in his prior application. Obviously each patent cannot suggest that it should be combined with every other reference in the world and if such were the case, each patent would simply state "all prior art written or disclosed in this universe is hereby incorporated in this patent by reference". The inventors of those patents clearly relied upon the fact that the combination lies in those skilled in the art and the question is could it have been obvious to those skilled in the data processing art to combine two or more references. In this case it would have been so obvious to have combined these two references since Smith specifically stated that his system was for a portable computer display in which Paulsen contained. Hence Smith clearly stated such a combination of his system with a laptop type computer such as Paulsen;

e) the combination of Paulsen with Smith does not suggest the reversed closure panel arrangement, does not suggest the problems caused by such reversal of the closure panel and does not suggest a solution to the problem. However, Paulsen did detail that the panel was removable and since it had two sides either the front (active portion) of the display could face the keyboard or could obviously face away from the keyboard or be so placed that the active portion of the display was faced up with the inactive portion of the display faced down over the keyboard. In such a way the keyboard would have been such off from the user and one would obviously have noted that the teachings of Smith would then resolve the problem (eg., see col. 1 line 44-et seq.)).

21. The applicant's invention calls for a portable computer of

Serial Number: 612956  
Art Unit : 2315

the type with a pivotal display in which the active or inactive portion of the display could be placed towards the keyboard. If the display is faced away from the keyboard and over the keyboard, the keyboard would no longer be usable to the user as if the display faced the keyboard. Hence the applicant implements a membrane for keyboard entry. However, Paulsen taught of a portable computer in which the display was removable (eg. see figure 22). Obviously the user could then place the display in one of two positions with either the active portion of the display facing up or down over the keyboard. Obviously if the keyboard was blocked by the display when the display was facing up, no keyboard was present or usable and when such was the case Smith clearly indicated what to do.

22. THIS ACTION IS MADE FINAL. The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

23. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692 any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0754.

  
ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2300